

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, claim 5 has been amended to recite that the alloy includes AlMnFeSi dispersoid particles which are formed during homogenisation and which act as nucleation sites for Mg₂Si particles during cooling after homogenization, which is based on the disclosure at page 2, lines 6-8 and 12-15 of the specification.

Amended claim 5 also recites that the given amounts for Cr, Zn and Cu are maximum amounts. One of ordinary skill in the art would clearly recognize that the recited amounts are maximum amounts (and thus the amendment corrects an obvious error) because otherwise the alloys in Tables 1-4 in the specification would not be within the scope of the claims, i.e. all of the examples of the alloys in Tables 1-4 have amounts of Cr, Zn and Cu well below the amounts required in claim 5 (prior to the instant amendment). Furthermore, Applicants are enclosing an Exhibit which is a copy (2 pages) of parts of the International AA alloy standard showing that the upper limits for alloying elements are commonly specified without explicitly stating maximum amount (see highlighted portions marked by arrows). In view of these considerations, Applicants take the position that amending claim 5 to recite that the amounts of Cr, Zn and Cu are maximum amounts does not raise the issue of new matter.

Claim 5, as well as claims 7-8 have been amended to change “characterized in that” to “which” and “wherein”, respectively, more in accord with U.S. practice.

Applicants take the position that, especially in view of the amendment to claim 5 specifying that the alloy includes AlMnFeSi dispersoid particles which are formed during homogenisation and which act as nucleation sites for Mg₂Si particles during cooling after homogenization, the claimed invention is clearly patentable over the applied references. In this regard, neither Parson et al. (US ‘359) nor Ohyama et al. (US ‘090) are concerned with AlMnFeSi dispersoid particles which are formed during homogenisation and which act as nucleation sites for Mg₂Si particles during cooling after homogenisation.

Therefore, in view of the foregoing amendments and remarks, it is submitted that the ground of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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